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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,626	08/19/2003	Cristian Mititelu	ALC 3424	3799
76614	7590	05/27/2009		
Kramer & Amado, P.C. 1725 Duke Street Suite 240 Alexandria, VA 22314				
EXAMINER				
HAMZA, FARUK				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/642,626

**Applicant(s)**

MITITELU, CRISTIAN

**Examiner**

FARUK HAMZA

**Art Unit**

2455

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to the communication filed on February 10, 2009. Claims 1-3, 5-6, 9-11 and 13-14 have been amended. Claims 4 and 12 have been canceled. Claims 19-24 have been newly added. Claims 1-3, 5-11 and 13-24 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-11 and 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Berlovitch et al. (U.S. Patent Number 6,061,334) hereinafter referred as Berlovitch.

As to claim 1, Berlovitch teaches a method of providing configuration information for a bridged virtual local area network (VLAN) within a communication network, comprising the steps of:

- a. presenting a graphical user interface (GUI) to an operator (Fig. 16);
- b. receiving from the operator an identification of a node and of a physical port through the GUI (Column 11, lines 35-60);
- c. VLAN configuration information from the operator through the GUI, wherein the VLAN configuration information comprises a requested VLAN

identifier (ID) and at least one virtual port to be associated with a set of the VLAN (Column 25, lines 3-40);

d. generating locally a validated VLAN configuration according to the VLAN configuration information, wherein the validated VLAN configuration comprises a first set of at least one virtual port to be associated with the VLAN and a second set of zero or more virtual ports which cannot be assigned to the VLAN (Column 25, lines 3-40); and

f. transmitting the validated VLAN configuration to the node (Column 9, lines 18-47).

As to claim 2, Berlovitch teaches the method of claim 1 wherein the step of receiving a validated VLAN configuration information comprises receiving, from the operator through the GUI, and identification of at least one virtual port currently belonging to a member set of the VLAN, said at least one virtual port being selected by the operator from a list of virtual ports currently in the member set (Column 25, lines 3-40).

As to claim 3, Berlovitch teaches the method of claim 2 wherein the step of receiving a VLAN configuration information further comprises the steps of:

receiving, from the operator through the GUI, an identification of zero or more virtual ports currently belonging to a forbidden set of the VLAN (Column 25, lines 3-40);

receiving from the operator through the GUI, an identification of zero or more virtual ports belonging to an untagged set of the VLAN (Column 25, lines 3-

40); and wherein the step of validating the VLAN configuration information comprises

ensuring that the member set and the forbidden set have no virtual ports in common (Column 9, lines 18-47).

As to claim 5, Berlovitch teaches the method of claim 1 wherein the step of validating the VLAN configuration information comprises:

determining from the existing configuration information a number of VLANs currently configured on the physical port (Column 9, lines 18-47); and

ensuring that configuration of the bridged VLAN on the physical port would not violate a maximum limit of VLANs on the physical port (Column 9, lines 18-47).

As to claim 6, Berlovitch teaches the method of claim 1 comprising the further step of storing the valid configuration information at a network management system (Column 25, lines 3-40).

As to claim 7, Berlovitch teaches the method of claim 1 wherein the node is an Asynchronous Transfer Mode node (Column 25, lines 3-40).

As to claim 8, Berlovitch teaches the method of claim 1 wherein the bridged VLAN is in conformance with the 802.1q VLAN standard (Column 9, lines 18-47).

As to claim 17, Berlovitch teaches the method of claim 1 comprising the further steps of querying the node for the list of VLAN configurations which are currently configured on the node and storing the list (Column 11, lines 60-65)

Claims 9-11, 13-16 and 18 do not teach or define any new limitations other than above claims 1-3, 5-8 and 17. Therefore, 9-11, 13-16 and 18 are rejected for similar reasons.

As to claim 19, Berlovitch teaches the method of claim 1 wherein the step of validating the VLAN configuration information comprises, if the VLAN is a new VLAN, validating the requested VLAN ID by comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations for VLANs that are configured on the node (Column 25, lines 3-40).

As to claim 20, Berlovitch teaches the system of claim 9 wherein the instructions for validating the VLAN configuration information further comprises instructions for, if the VLAN is a new VLAN, validating the requested VLAN ID by comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations for VLANs that are configured on the node (Column 25, lines 3-40).

As to claim 21, Berlovitch teaches the method of claim 1 wherein the step of generating a validated VLAN configuration comprises the steps of:

- a. removing at least one port identified by the operator through the GUI from a list to which the at least one port currently belongs (Column 25, lines 40-53); and
- b. adding the at least one port to a list identified by the operator through the GUI (Column 25, lines 40-53).

As to claim 22, Berlovitch teaches the system of claim 9 wherein the instructions for generating a validated VLAN configuration comprise instructions for:

a. removing at least one port identified by the operator through the GUI from a list to which the at least one port currently belongs (Column 25, lines 40-53); and

b. adding the at least one port to a list identified by the operator through the GUI (Column 25, lines 40-53).

As to claim 23, Berlovitch teaches the method of claim 1 wherein the first set is a member set of the VLAN and the second set is a forbidden set of the VLAN (Column 9, lines 18-47).

As to claim 24, Berlovitch teaches the system of claim 9 wherein the first set is a member set of the VLAN and the second set is a forbidden set of the VLAN (Column 9, lines 18-47).

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unit 2455

/Faruk Hamza/  
Examiner, Art Unit 2455